



Karen B. Salmon, Ph.D.  
State Superintendent of Schools

April 30, 2018

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Dr. Debra Brooks  
Executive Director of Specialized Services  
Baltimore City Public Schools  
200 East North Avenue, Room 204-B  
Baltimore, Maryland 21202

RE: XXXXX  
Reference: #18-106

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

**ALLEGATION:**

On March 1, 2018, the MSDE received a complaint from Mr. XXXXXXXXXXXX and Ms. XXXXXXXXXXXX, hereafter, “the complainants,” on behalf of the above-referenced student. In that correspondence, the complainants alleged that the Baltimore City Public Schools (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the BCPS should have suspected, since November 2017, that the student is a student with a disability, and conducted an evaluation under the IDEA, in accordance with 34 CFR §300.111 and COMAR 13A.05.01.06.

**BACKGROUND:**

The student is eighteen (18) years old and attends XXXXXXXXXXXXXXXXXXXXXXXX. He is not currently identified as a student with a disability under the IDEA.

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### **FINDINGS OF FACTS:**

1. On November 14, 2017, the 504 team<sup>1</sup> met to review the student's 504 Plan. The team determined that the student continued to qualify for a 504 plan due to his Attention Deficit Hyperactivity Disorder (ADHD) and required extended time to complete assignments, preferential seating to reduce distractions, and travel training. There is no documentation that the complainants' requested, or the team discussed, the student's need for crisis intervention strategies.
2. The student did not miss any days of school during the first quarter of the 2016-2017 school year and one-half a day of school in the second quarter of the school year.
3. The student was absent from school on February 25, 26, 27, and 28, 2018, and there is documentation that he was admitted to the hospital during this time. The student returned to school on March 1, 2018.
4. On March 9, 2018, the student's mother requested a 504 Team meeting "as soon as possible." In response, a 504 Team meeting was scheduled for March 14, 2018.
5. On March 14, 2018, the 504 Team revised the student's 504 Plan to include a disability of "Seizure Disorder", and to require that he be provided with the following additional supports:
  - "Teachers to be aware of possible warning signs of seizure symptoms, i.e. slurred speech, talking out of turn, lashing out at others, throwing objects, motor tics, disorientation to person, place, time and event. Teachers are to contact school nurse immediately if seizure symptoms are observed"; and
  - "Counseling services provided by related service provider to manage ADHD symptoms."
6. Report cards for the student indicate that the student is earning A's and B's in Honors and Advanced Placement classes.
7. There is no information or documentation that a referral was made for an IDEA evaluation for the student during the 2017-2018 school year.
8. The BCPS has procedures in place to ensure that students receiving accommodations in the general education curriculum are referred to an Individualized Education Program (IEP) team when those accommodations are unsuccessful.

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<sup>1</sup> Plans developed under Section 504 of the Rehabilitation Act of 1973 are designed for students with disabilities who require the support of accommodations, but who do not require special education.

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**CONCLUSION:**

In this case, the complainant asserts that the BCPS should have suspected that the student was a student with a disability under the IDEA since November 2017, and developed an IEP that included crisis intervention strategies for the student.

Based on Finding of Facts #1-#8, the MSDE finds that the BCPS is providing the student with supports in the general education program, in accordance with their procedures. Further, based on the same Findings of Facts, the MSDE finds that there is no documentation that the student requires special education instruction in addition to those supports, in accordance with, 34 CFR §300.111 and COMAR 13A.05.01.06. Therefore, this office does not find that a violation occurred.

**TIMELINE:**

Please be advised that the parties have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings. If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary.

Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The student's parties maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or provision of a Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Special Education/  
Early Intervention Services

c: Sonja B. Santelises  
XXXXXXX  
Gerald Loiacono

Jennie Wu  
Dori Wilson

Allen L. Perrigan  
Anita Mandis